



1 appear by telephone at the Case Management Conference currently set for August 16, 2013, at  
 2 10:30 a.m., for the following reasons.

3 The Court set a Telephonic Initial Case Management Conference for July 19, 2013 by  
 4 Minute Order. *See* ECF No. 15. The parties subsequently stipulated to, and the Court ordered, an  
 5 extension of this date to August 16, 2013. ECF No. 18. Counsel for Federal Defendants and for  
 6 Plaintiff assumed that the continued date was likewise a telephonic appearance and contacted the  
 7 Court's staff to confirm that, and Court staff instructed the parties to file motion or stipulation  
 8 requesting permission to appear telephonically.

9 Counsel for Federal Defendants is located in Washington, DC and requests an order  
 10 permitting him to appear telephonically to avoid incurring significant travel costs for the  
 11 government. Counsel for Plaintiff is likewise located out-of-state (in Oregon) and likewise seeks to  
 12 avoid incurring significant travel costs for his not-for-profit client.

13 Counsel for State Defendants would prefer to appear in person, but can appear  
 14 telephonically as well if it is more convenient for the Court to have all parties appear by telephone.

15 Therefore, Plaintiff, State Defendants, and Federal Defendants hereby stipulate and request  
 16 an order permitting counsel for Plaintiff and for Federal Defendants to appear telephonically at the  
 17 Initial Case Management Conference on August 16, 2013, at 10:30 a.m.

18  
 19 Respectfully submitted this 14<sup>th</sup> day of August, 2013.

20  
 21 ROBERT G. DREHER  
 22 Acting Assistant Attorney General  
 23 U.S. Department of Justice  
 24 Environment & Natural Resources Division  
 25 SETH M. BARSKY, Chief  
 26 S. JAY GOVINDAN, Assistant Chief

27  
 28 /s/ Ethan Carson Eddy  
 ETHAN CARSON EDDY  
 Trial Attorney (Cal. Bar 237214)  
 Wildlife and Marine Resources Section

P.O. Box 7611, Ben Franklin Station  
Washington, D.C. 20044  
(202) 305-0202 (Phone); (202) 305-0275 (Fax)  
ethan.eddy@usdoj.gov

*Attorneys for Federal Defendants*

KAMALA D. HARRIS  
Attorney General of California  
ROBERT W. BYRNE  
Senior Assistant Attorney General  
GAVIN G. MCCABE  
Supervising Deputy Attorney General  
DANIEL S. HARRIS  
JONATHAN WIENER  
Deputy Attorneys General

/s/ Marc N. Melnick (as authorized)  
MARC N. MELNICK  
Deputy Attorney General

*Attorneys for State Defendants*

/s/ Peter M.K. Frost (as authorized)  
Peter M.K. Frost, admitted *pro hac vice*  
Western Environmental Law Center  
1216 Lincoln St.  
Eugene, OR 97401  
frost@westernlaw.org  
Tel: 541-359-3238  
Fax: 541-485-2457

*Attorney for Plaintiff*

**E-FILING ATTESTATION**


Pursuant to Civil Local Rule 5.1(i)(3), I attest that Marc Melnick and Peter Frost have  
concurred in the filing of this document.

/s/ Ethan Carson Eddy  
ETHAN CARSON EDDY  
Counsel for Federal Defendants

**[PROPOSED] ORDER**

The above STIPULATION TO ALLOW TELEPHONIC APPEARANCE is GRANTED.  
~~Counsel for Plaintiff and for Federal Defendants shall be allowed to~~ With the exception that all  
counsel shall participate by telephone at the Initial Case Management Conference on August 16,  
2013, at 10:30 a.m. Counsel shall be on stand-by to be called by the Court beginning at 10:30  
a.m.

Dated: August 14, 2013

  
HON. MAXINE M. CHESNEY  
United States District Judge